

Suggestions Received Regarding the Guidelines:

1. All prior conduct should be limited to past 10 years (research regarding 7-10 year crime free period is not unique to juveniles)
2. Add a category for 5+ felony convictions (10 points)
3. Add Class B priors back in, but weight them lower:
 - 0 0-2 priors
 - 1 3-5 priors
 - 2 6+ priors
4. Separate supervision categories:
 - a. Positive Supervision History (pre or post-plea past 3 years)
 - 1 any successful completion
 - 2 successful completion and reduced risk level
 - 3 successful compl., reduced risk & crime free in community 3+ years
 - b. Negative Supervision History (post-plea)
 - 1 unsuccessful discharge from AP&P
 - 2 prior revocation hearing by Court or Board and imposition of graduated incarceration sanctions
 - 3 current offense committed while on supervision
5. Person crime with injury (4 points) should require "substantial bodily" injury
6. Consolidate Form 1 and Form 5:
 - a. "Imprisonment" shading – leave as is
 - b. "Intermediate Sanctions" – rename as "Jail as a COP" and shading should match current Form 5
 - c. "Presumptive Probation" – leave as is on Form 5 but list midpoint
 - d. Form 5 – remove shading and just list jail days so that Form 1 is in vs out and Form 5 is jail days
7. Forms 2 & 4 need comprehensive review, outdated language and concepts
8. 2nd and 3rd Degree "Other" should be nuanced to address distribution separately from theft, property, etc. (there are a lot of crimes that fall into "other")
9. Add all person crimes to Addendum B specifically (don't just reference the habitual offender statute):
 - a. 76-5-106
 - b. 76-5-402
 - c. 76-5-402.1
 - d. 76-5-402.2
 - e. 76-5-402.3
 - f. 76-5-403
 - g. 76-5-403.1
 - h. 76-5-404
 - i. 76-5-404.1
 - j. 76-5-405
 - k. 76-5b-201
 - l. 76-5b-202
 - m. 76-10-1306
10. Add "+" to Form 10 on the line listing the number of hearings before the Court or Board. It should be the nature of violations, not the number of violations which is determinative. Some are interpreting Form 10 to mean that the 3 hearings are a mandatory number of days and upon the 4th hearing, there is no limit. There are exceptions built in on each of the 3 hearings to depart from the caps if necessary. It shouldn't require 3 hearings before a thorough review occurs.